

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**BOBBY GRUBBS,**

Plaintiff,

**9:14-cv-467  
(GLS/CFH)**

v.

**JOHN SERRELL, Correction Officer,  
Great Meadow Correctional Facility,  
*et al.*,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

BOBBY GRUBBS  
Plaintiff, *Pro Se*  
09-A-5025  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, New York 12929

**FOR THE DEFENDANTS:**

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
The Capitol  
Albany, New York 12224

MARIA E. LISI-MURRAY  
Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Christian F. Hummel, duly filed on August 18, 2016. (Dkt. No. 71.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 71) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendants' motion for summary judgment (Dkt. No. 54) be **GRANTED** as to plaintiff Bobby Grubbs' (1) Eighth Amendment deliberate indifference claims against Racette, Lehmann, Lipka, and Karandy; (2) Eighth Amendment excessive force claim against Harrington; (3) First and Fourteenth Amendment denial of access to the courts claims against McCauley, Narkiewicz, Serrell, Hood, and Lawton; (4) First Amendment retaliation claim against Williams; and **DENIED** as to the Eighth Amendment excessive force claims against Serrell, Everleth, and Raimo; and it is further

**ORDERED** that defendants Racette, Lehmann, Lipka, Karandy,

Harrington, McCauley, Narkiewicz, Hood, Lawton, and Williams are

**DISMISSED** from this action; and it is further

**ORDERED** that the clerk of the court serve a copy of this order upon  
the parties in accordance with this court's Local Rules.

**IT IS SO ORDERED.**

September 13, 2016  
Albany, New York

Gary L. Sharpe  
Gary L. Sharpe  
U.S. District Judge